

2015 Regular Session

HOUSE BILL NO. 331

BY REPRESENTATIVE BERTHELOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Transfers the labeling review authority for alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 40:627(A) and to enact R.S. 26:793(D) and R.S. 40:627(E),
3 relative to alcoholic beverage labels; to transfer the authority for the registration and
4 label review of alcoholic beverages; to provide for administrative rules; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:793(D) is hereby enacted to read as follows:

8 §793. Additional powers of the commissioner

9 * * *

10 D.(1) The commissioner shall provide by rule for the registration, including
11 submission and review of the container label, of all alcoholic beverages prior to
12 being sold in this state.

13 (2) The commissioner may require the use of an electronic submission
14 system by any person submitting an alcoholic beverage for registration and review.

15 (3) The submission of a Certificate of Label Approval prepared in
16 compliance with the requirements of the Alcohol and Tobacco Tax and Trade Bureau
17 shall constitute satisfactory compliance for the registration of products and labels
18 pursuant to this Subsection, and the registration shall become effective upon
19 submission of a completed application.

1 Section 2. R.S. 40:627(A) is hereby amended and reenacted and R.S. 40:627(E) is
2 hereby enacted to read as follows:

3 §627. Registration of certain products

4 A. ~~The~~ Except as provided in Subsection E of this Section, the department
5 may require all manufacturers, packers, or proprietors of processed foods,
6 proprietary or patent medicines, prophylactic devices, and cosmetics, in package
7 form, to register each separate and distinct product annually with the department and
8 to supply it with a sample of each such product upon request.

9 * * *

10 E. This Section shall not apply to alcoholic beverages. For the purposes of
11 this Section, "alcoholic beverages" has the same meaning as assigned in R.S. 26:2
12 and 241.

13 Section 3. All administrative rules previously adopted by the Department of Health
14 and Hospitals relative to the registration of or review of labels for alcoholic beverages shall
15 remain in full force and effect until such time as the commissioner of the office of alcohol
16 and tobacco control promulgates rules pursuant to this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 331 Engrossed 2015 Regular Session Berthelot

Abstract: Transfers the registration and labeling review authority for alcoholic beverages from Dept. of Health and Hospitals to the office of alcohol and tobacco control.

Present law requires all manufacturers, packers, or proprietors of processed foods, proprietary or patent medicines, prophylactic devices, and cosmetics, in package form, to register each separate and distinct product annually with the Dept. of Health and Hospitals.

Proposed law retains present law but adds an exemption for alcoholic beverages as defined in present law.

Proposed law requires the commissioner of the office of alcohol and tobacco control to provide by rule for the registration, including submission and review of the container label, of all alcoholic beverages prior to being sold in this state.

Proposed law authorizes the commissioner to require the use of an electronic submission system by any person submitting an alcoholic beverage for registration and review.

Proposed law provides that the submission of a Certificate of Label Approval prepared in compliance with the requirements of the Alcohol and Tobacco Tax and Trade Bureau shall constitute satisfactory compliance for the registration of products and labels, and the registration is effective upon submission of a completed application.

Proposed law requires all administrative rules previously adopted by the Dept. of Health and Hospitals relative to the registration of or review of labels for alcoholic beverages to remain in full force and effect until such time as the commissioner of the office of alcohol and tobacco control promulgates rules pursuant to proposed law.

(Amends R.S. 40:627(A); Adds R.S. 26:793(D) and R.S. 40:627(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change the requirement from the submission of a catalog and specimens of labels in compliance with the Federal Food, Drug, and Cosmetic Act to the Submission of a Certificate of Labels Approval prepared in compliance with the Alcohol and Tobacco Tax and Trade Bureau.